



Canby Family Practice Clinic

PROVIDING MEDICAL, DENTAL AND BEHAVIORAL HEALTH SERVICES

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May 24, 2017

RE: Appeal to FCC for exemption of late filing of Form 465/Fiscal 2016-17. WC Docket No. 02-60

HCP Name-I'SOT dba Canby Family Practice Clinic HCP #-10618
Modoc County (all rural)

Canby Family Practice Clinic depends on broadband to enable us to give timely health services to our patients in rural NE California. We are in a 3 year contract with Electric Lightwave/Integra, our Telecom. As you know, broadband allows us to do so much for the patients in our area. We have 2 tele-med carts, not only for our patients but for provider consults too. We have just engaged in the Sac-Valley Med Share HIE between hospitals and other providers we refer our patients to in our region. Our phone service is also supplied by this connection.

I was under the impression that the 3 year Evergreen Contract meant that we would not need to do anymore filing until the end of that contract in October 2017. When we found out we need to file for funding annually, we discovered we missed the last filing window and were looking for another window to apply for 2016 fiscal funding. Then we received the e-mail that the cap had been reached and there would not be another window for this year.

We appealed to USAC for an exemption and requested to be funded back in January. On May 17th we received a letter of dismissal from them and suggested we appeal to the Commission. We are near the end of the fiscal year now and this leaves us in a jam with a very large balance to pay, which we can not afford.

We are asking for an exception and allow us to renew our funding for broadband services used here at our rural health clinic for 2016-2017.

Please consider our request.


Jim Linden
Assistant Administrator



Universal Service
Administrative Co.

Rural Health Care Division

Notice of Dismissal

Via Electronic Mail

May 17, 2017

Mr. Jim Linden
I'SOT Inc. d/b/a Canby Family Practice Clinic
670 County Road 83
P.O. Box 322
Canby, CA 96015

Re: Canby Family Practice Clinic's Appeal and Request for Waiver of the FCC Form 466
Filing Window Deadline for Funding Year (FY) 2016 for the Rural Health Care
Telecommunications Program

Dear Mr. Linden:

The Universal Service Administrative Company (USAC) has completed its evaluation of the January 17, 2017 letter of appeal submitted on behalf of I'SOT Inc. d/b/a Canby Family Practice Clinic (Canby).¹ The appeal requests that USAC waive the filing deadline for submitting the FCC Form 466 and permit Canby to file its FCC Form 466 after the second filing window period for FY 2016 in the federal Universal Service Rural Health Care Telecommunications Program (RHC Telecom Program). Based on Federal Communications Commission (FCC or Commission) rules, USAC dismisses Canby's appeal and request for waiver.²

Specifically, USAC has reviewed the appeal and the facts related to this matter, and has determined that Canby failed to submit its FCC Form 466 by November 30, 2016, the final date for submitting funding request forms (i.e., FCC Forms 462 and FCC Forms 466) in the FY 2016 second filing window period. In August 2016, the FCC issued a Public Notice that established a filing window period schedule for the submission of FY 2016 funding requests.³ In the *Public Notice*, the Commission directed USAC to open a second filing window period starting on September 1, 2016 through November 30, 2016 and noted that USAC may open a third filing window period, assuming demand for the program does not exceed the \$400

¹ Email from Jim Linden, IT Administrator, I'SOT Inc. d/b/a Canby Family Practice Clinic, to RHC-Appeals, USAC (Jan. 17, 2017) (*Canby Appeal*).

² 47 C.F.R. § 54.719(c) ("Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission.").

³ See generally *Wireline Competition Bureau Provides a Filing Window Period Schedule for Funding Requests under the Telecommunications Program and The Healthcare Connect Fund*, WC Docket No. 02-60, Public Notice, 31 FCC Rcd 9588 (Wireline Comp. Bureau 2016) (*Public Notice*).

Mr. Jim Linden
ISOT Inc. d/b/a Canby Family Practice Clinic
May 17, 2017
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million cap during the second filing window period.⁴ The FCC further noted that, following the November 30, 2016 close date, USAC would not accept funding request forms from December 1, 2016 through January 31, 2017.⁵ The Commission also urged applicants to ensure their funding request forms are submitted with all supporting documentation during each filing window period.⁶

Pursuant to the Commission's directive, USAC opened a second filing window period for FY 2016 on September 1, 2016, that closed on November 30, 2016. USAC did not accept funding request forms after November 30, 2016 and announced that it would not open a third filing window period due to the extraordinarily high demand for program funds in FY 2016.⁷ Canby failed to submit its FCC Form 466 for FY 2016 by the second filing window period close date.

In its appeal, Canby states that it would experience financial hardship if it was unable to receive RHC Telecom Program funding and requested that USAC grant an exception to Canby.⁸ Because Canby's appeal seeks a waiver of the second filing window period close date, pursuant to FCC rules, Canby must seek relief directly from the Commission, not USAC.⁹ Therefore, USAC hereby dismisses Canby's appeal.

USAC will consider this matter closed unless you notify us within 30 days from the date of this email and provide a detailed explanation of any issues you believe remain outstanding. If you wish to appeal this decision or request a waiver, you can follow the instructions pursuant to 47 C.F.R. Part 54, Subpart I (47 C.F.R. §§ 54.719 to 725). Further instructions for filing appeals or requesting waivers are also available at:

<http://www.usac.org/about/about/program-integrity/appeals.aspx>

Sincerely,

/s/ Universal Service Administrative Company

⁴ See *id.* at 9591 ("Moving forward for funding year 2016, we direct USAC to open a second filing window period starting on September 1, 2016 through November 30, 2016....[A]ssuming demand does not exceed the cap during the second filing window period, we direct USAC to open a third filing window period....").

⁵ See *id.* ("From December 1, 2016 through January 31, 2017, USAC will not accept funding request forms (i.e., applicants will be prevented from submitting FCC Forms 462 and 466), but will continue to accept all other forms. USAC will also continue to process all application forms, including funding request forms filed during or before the second filing window period.").

⁶ See *id.* at 9592.

⁷ See No Additional Filing Windows for FY2016; FY2017 Filing Window to Run From March 1-June 30, 2017, available at <http://www.usac.org/rhc/tools/news/default.aspx?pgm=telecom> (last visited May 9, 2017).

⁸ See *Canby Appeal* at 1.

⁹ 47 C.F.R. § 54.719(c) ("Parties seeking waivers of the Commission's rules shall seek relief directly from the Commission.").